

## **CHAPTER 33-04-13.1 DISCLOSURE OF RECORDS**

### **Section**

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### **33-04-13.1-01. Definitions.**

1. "Guardian" means a person who has been appointed as legal guardian through some judicial process.
2. "Relative" means those connected by ties of consanguinity or affinity. Adopted children must be treated the same as natural children for purposes of this definition and are not considered a relative of the natural parents or their relatives.

**History:** Effective April 1, 1994.

**General Authority:** NDCC 23-02.1-04, 28-32-02

**Law Implemented:** NDCC 23-02.1-27

### **33-04-13.1-02. General provisions.**

1. In order to protect vital records from loss, mutilation, or destruction and to prevent improper disclosure of confidential information, a person may not be allowed direct actual physical access to the original vital records in the custody and care of the state and local registrars. Every person wishing to review records or desiring information contained in such records must make a request to the state or local registrars or their assistants. Each request must be reasonably particularized in scope.
2. Nothing in this section may be construed to permit disclosure of information contained in the "confidential information for medical and health use only" section of vital records unless specifically authorized by the state registrar for statistical research or if authorized by a court of competent jurisdiction.
3. The state registrar may furnish data from vital records for statistical research purposes, subject to such conditions as the state registrar may impose. Data may not be furnished from records under this subsection until the state registrar has prepared in writing the conditions under which the data will be used and received an agreement signed by a responsible agent of the research organization agreeing to meet with and conform to such conditions.
4. Upon written application by any local registrar, the state registrar may authorize, in written form, the local registrar to prepare and issue

certified copies of original certificates of death and certificates of fetal death in the immediate possession of the local registrar. To ensure uniformity in the preparation and issuance of certified copies, the state registrar shall prescribe the format to be used for such certifications, the nature of the certification statements used, and the length of time for which original certificates of death and fetal death may be retained by the local registrar for purposes of issuance of certified copies. The state registrar may revoke such authorization for reasonable cause including actions inconsistent with North Dakota Century Code chapter 23-02.1 and rules adopted under that chapter.

**History:** Effective April 1, 1994.

**General Authority:** NDCC 23-02.1-04, 28-32-02

**Law Implemented:** NDCC 23-02.1-27

**33-04-13.1-03. Certificates of birth, certificates of death, and certificates of fetal death.**

1. Information on birth certificates and certificates of fetal death presumed to relate to births or fetal deaths which occurred out of wedlock may not be disclosed to persons other than to the child's guardian, to the person to whom the record relates if that person is at least eighteen years old, to the legal parent of the child, or upon order of a court of competent jurisdiction.
2. Information in vital records indicating cause of death may not be disclosed except to a relative or personal representative of the deceased, to the attorney or the agent of a relative or personal representative of the deceased, or upon order of a court of competent jurisdiction.
3. Whenever it is deemed necessary to establish an applicant's right to confidential information from vital records, the state registrar may require written application, identification of the applicant, or a sworn notarized statement. The state registrar may furnish information, at the written request of the applicant entitled to such information, to any person or agency designated by the applicant.

**History:** Effective April 1, 1994.

**General Authority:** NDCC 23-02.1-04, 28-32-02

**Law Implemented:** NDCC 23-02.1-27